

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JASON D. BETZ,)
v. Plaintiff,) Civil Action No. 05 - 1439
WARDEN CAROL WILSON,) Judge Thomas M. Hardiman /
Defendant.) Magistrate Judge Lisa Pupo Lenihan
)
)
)

ORDER

AND NOW, this 11th day of October, 2006;

The Defendant in this case filed a Motion to Dismiss (Doc. No. 10) along with a Brief (Doc. No. 11) in support on June 12, 2006. There has been no response filed by the Plaintiff nor has an extension of time been requested. Therefore,

IT IS HEREBY ORDERED that Plaintiff shall file a response and brief in opposition to defendant's motion to dismiss no later than November 1, 2006;

IT IS FURTHER ORDERED that Defendants are allowed until November 15, 2006, to file a reply brief;

IT IS FURTHER ORDERED that failure to comply with this order will result in a recommendation to the District Judge that this case be dismissed for failure to prosecute.

IT IS FURTHER ORDERED that in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(A), and Local Rule 72.1.3, the parties are allowed ten (10) days from the date of service

to file an appeal from this order to the District Court. Failure to timely file an appeal may constitute a waiver of any appellate rights.

s/Lisa Pupo Lenihan
LISA PUPO LENIHAN
U.S. Magistrate Judge

cc: Brian J. Barr
Indiana County Jail
55 North Ninth Street
Indiana, PA 15701

Marie Milie Jones
Michael Lettrich
Meyer Darraugh Buckler Bebenek & Eck
600 Grant Street
USX Tower
Suite 4850
Pittsburgh, PA 15219